

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

L.P.O.E., Inc., a Minnesota Corporation;  
Down In the Valley, Inc., a Minnesota Corporation;  
Disc and Tape, Inc., a Minnesota Corporation; and  
Hideaway LLC., a Minnesota Corporation,

Plaintiffs,

**AFFIDAVIT OF SCOTT  
FARRELL**

vs.

The United States Drug Enforcement Administration,  
U.S. Department of Justice; and its  
Deputy Director, D.E.A., Michele M. Leonhart

Civil Case No. 10-CV-4944  
PJS/LIB

Defendants.

STATE OF MINNESOTA )  
                      )  
                      ) SS  
COUNTY OF HENNEPIN )

Scott Farrell, being first duly sworn on oath, hereby deposes and says the following:

1. I am the buyer/general manager of Down In the Valley, a Plaintiff in the above-entitled matter.
2. Plaintiff operates a store know as "Down In The Valley," at located at 8020 Minnesota 55 in the city of Golden Valley.
3. Down In The Valley sells tobacco, pipes, tobacco accessories and various novelties.
4. I have reviewed the U.S. Drug Enforcement Agency's Notice of Intent, 21 CFR Part 1308 [Docket No. DEA-345N], purporting to outlaw "synthetic cannabinoid."

5. In April through September, 2010, the incenses that appear to be prohibited by the Notice of Intent have accounted for approximately 41.27% of the store's gross profit for a total of \$394,689.

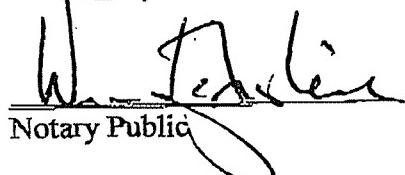
6. Over the last three months, October, November and December, 2010, the total herbal incense sales have been \$107,687, \$120,730 and \$110,000 respectively. The totals represent 43.81%, 50.81% and 40% of the store's total revenues.

7. If my business were to suffer an immediate loss in sales, it could not survive.

8. I execute this affidavit in support of the attached motion for preliminary injunction and temporary restraining order.

  
\_\_\_\_\_  
s/Scott Farrell  
\_\_\_\_\_  
Scott Farrell

Sworn to and subscribed before me  
this 22 day of December, 2010.

  
\_\_\_\_\_  
Notary Public

